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THE BALL LAW FIRM, L.L.P.*Business Torts Consumer Class Actions*

June 6, 2013

VIA FACSIMILE (212) 805-7986

Hon. Paul G. Gardephe
 United States District Court Judge
 Southern District of New York
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 New York New York 10007

Re: VOICEONE COMMUNICATIONS, LLC, and
 CASE NO. 12 Civ. 9433 (PGG)
Initial Pretrial Conference: June 20, 2013

WABEC, LLC v. GOOGLE, Inc.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dear Judge Gardephe:

We represent the plaintiffs in the above-captioned matter. Pursuant to Individual Practices of *June 12, 2013*,
 Judge Paul G. Gardephe Rule 1 (d) Request for Extension of Deadlines, we write to request an
 extension of the following deadlines:

The Initial Pretrial Conference is scheduled for June 20, 2013. The Initial Pretrial Conference Notice reflects that a Joint Letter addressing the items specified in the May 21, 2013 Notice of Pretrial Conference and a Proposed Case Management Plan is due seven (7) court days prior to the Initial Pretrial Conference.

By this letter, we are requesting a thirty (30) day extension of the Initial Pretrial Conference and a thirty (30) day extension to file a Joint Letter and Proposed Case Management Plan which is due seven (7) court days prior to the Initial Pretrial Conference. Also, we request a Rule 26 conference extension as well as Rule 26 disclosure deadline extension. Pursuant to this extension request, we propose the following deadlines:

Initial Pretrial Conference:	July 22, 2013
Deadline for filing Joint Letter and	
Proposed Case Management Plan:	July 11, 2013
Rule 26 conference:	July 22, 2013
Rule 26 disclosure:	August 5, 2013

- There have been no previous extension requests;
- Defense counsel does not object to a brief continuance of the Initial Pretrial Conference (and Joint Letter and Proposed Case Management Plan submission dates)

MEMO ENDORSED

The request to adjourn the conference is denied. In light of Defendant's request to file a motion to dismiss, the parties need not submit a proposed case management plan at this time. Plaintiffs are directed to respond to Defendant's pre-motion letter by June 17, 2013. Defendant is directed to submit forthwith the complaints referenced in Defendant's May 29, 2013 letter.

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The reasons for this extension request are: (1) I have not yet received my certificates of good standing from the State Bars of Texas and California and therefore I cannot presently appear before this Court as I am not yet admitted *pro hac vice* and, (2) our current local counsel, Mr. Lawrence W. Rader, with whom I have worked with in the past and who is copied on this letter, has requested that he be relieved as our local counsel due to other pressing time constraints with his practice which is solo in nature and very busy. We are presently engaged in the process of locating new local counsel, but, as of the date of this letter, have yet to conclude this process. This continuance request will afford us the opportunity to retain new local counsel to replace Mr. Rader, and to obtain the required Texas and California certificates of good standing to obtain *pro hac vice* admission before this Court in connection with this matter.

Prior to presenting this extension request, I have conferred with defendant Google, Inc.'s counsel Michael Page of Durie Tangri LLP, whom is likewise copied on this letter. Mr. Page advised me that he is not opposed to a continuance of the Initial Pretrial Conference and Rule 26 procedures. Mr. Page also advised me of his intent to file next week, on June 14, I believe, a motion to dismiss and a request for Rule 11 sanctions. However, given the Court's Individual Rules regarding pre-filing letters and a conference prior to dismissal or sanctions motions, and considering the above consent adjournment of the Initial Pretrial Conference, we respectfully ask that the Court extend the time to file pre-motion letters and hold pre-motion conferences until after the Initial Pretrial Conference, at which conference, briefing schedules for both of Google's contemplated motions can be ordered.

Respectfully submitted,

THE BALL LAW FIRM LLP


Byron T. Ball

BTB:jh

cc: Michael Page, Esq.
Mark J. Geragos, Esq.
Lawrence W. Rader, Esq.